

A
DIALOGUE
BETWEEN
A LAWYER
AND
A COUNTRY GENTLEMAN,
UPON THE SUBJECT OF THE
GAME LAWS.

THE FOURTH EDITION.

[Price One Shilling and Six-pence.]

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R E L A T I V E T O
H a r e s, P a r t r i d g e s, a n d P h e a s a n t s.

Wherein is shewn,

The several QUALIFICATIONS to kill GAME; the PENALTIES such Persons are liable to who kill them without such Qualifications; the MANNER of recovering such Penalties; the DIFFERENCE between being subject to the Penalties, and being punished as Trespassers; the DISTINCTION between voluntary and involuntary Trespassers; the necessary Steps to be taken to make wilful Trespassers, and the CONSEQUENCES of being such; the Difference between INFERIOR and SUPERIOR Tradesmen, and the Consequences of INFERIOR Tradesmen committing Trespasses; together with some OBSERVATIONS upon these LAWS.

To which are added

T H R E E T A B L E S.

Shewing at one View, the OFFENCES,—the STATUTES creating them,—the PERSONS to whom the PENALTIES are given,—the MANNER of Recovery,—the COSTS a Plaintiff is intitled to,—the TIME when the Information or Action ought to be brought; and lastly, the several PENALTIES a Person may be liable to by one Act.

W I T H A

L E T T E R t o J O H N G L Y N N, E s q;

S E R J E A N T A T L A W.

U p o n t h e P E N A L L A W S o f t h i s C o u n t r y.

B y a G E N T L E M A N o f L I N C O L N ' s - I N N.

L O N D O N :

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TO
JOHN GLYNN, Esq;
SERJEANT AT LAW.

AND

One of the REPRESENTATIVES
of the COUNTY of MIDDLESEX.

SIR,

THE criminal laws of this country have often been the subject of my most serious meditation, and if it was possible for me to entertain an ill opinion of my countrymen, the multiplicity of these laws would almost tempt me to think, that instead of Englishmen being lovers of generosity and mercy, they were a set of beings whose chief pleasure consisted in spilling the blood of their fellow creatures.

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I am led into this serious train of thinking from the many capital punishments inflicted for the most trivial offences. Pardon me, Sir, if I say the most trivial offences; for who will believe that in the land of liberty it is at this instant a capital crime, maliciously to break down the mound of a fish-pond, whereby any fish shall escape; or to cut down a cherry tree, in an orchard; or even to be seen for one month in the company of persons who call themselves or are called Egyptians? —I am inclined to believe there are very few even amongst the lawyers apprized of the existence of these laws; and if gentlemen whose business and employments call upon them to know the laws, are ignorant of their existence, how much more excusable are those whose pursuits and

and engagements in life afford no time or opportunity of attending to them. I know very well that ignorance is no excuse ; and why? Because every man is supposed to know the difference between right and wrong. This is a very good general maxim, but it will not hold equally good in all cases. It strikes me as relative only to those crimes which are *mala in se*, and not to the *mala prohibita*. Suppose, for instance, it should be made death to kill a Hare ; a person might dread the consequence of such an Act, but he would feel no remorse of conscience in the Act itself.—I have often lamented, that amongst all the plans adopted to promote the public good, no method has yet been found out for propagating the knowledge of the criminal laws of
this

this country.—Perhaps, Sir, it may be said, should a man be convicted upon any of these obsolete Statutes, the Judge would suspend the execution of the law. Most probably. But as we are to judge of futurity by what hath already happened, and as there have been Jefferies's, and Pages, monsters in nature, a time may again come, when such wretches may exist, and take pleasure in imbruing their hands in the blood of their countrymen. Power in the hands of the best men is a dangerous weapon; in the worst, a rod to scourge all mankind with.

I will no longer trouble you upon the general subject of Criminal Law, but for a few minutes crave your attention upon the Game Laws, the subject of the ensuing Dialogue.—These are very numerous and uncertain.

certain. By some a pecuniary, by others a corporal punishment is inflicted upon offenders.—In general, I am rather induced to believe a dispassionate person would consider the punishment more than adequate to the crime created by these laws.—Punishments should be proportioned to the crimes, as they more or less affect the welfare of society.—One man should not be dragged forth to expiate with his blood the crime of cutting down a cherry tree, or associating with Egyptians, whilst another is suffered to rob his neighbour of his reputation with impunity. — Nor should a country farmer be whipped through a town for destroying a Pheasant by night, when the man who robs me of my father by the most atrocious perjury, may

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have

have the same punishment inflicted upon him.

One would almost be tempted to think, from the peculiar attention the Legislature hath in all ages paid to the preservation of the Game, that there was some sovereign medicinal quality in the blood and juices of these animals, more beneficial to the community than even Dr. Lefevre's prescription; but, as the publick have never discovered these virtues in them, still if their preservation is really of consequence to the community, would it not be better to pass a law, and inflict a penalty of 50*l.* upon those who shall hereafter purchase or receive any Hare, Partridge, &c. from an unqualified person? let the seller be the informer, and declare him a competent witness to convict the

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defendant.

defendant. By this means you will defeat the ends for which they are caught; destroy the market, and you will ruin the poachers; for it is the receiving of stolen goods that encourageth theft. I should be happy to see these laws either corrected or repealed, and should be doubly happy to see my representative stand forth in an age of corruption, and convince the present and future times, that there lived a man, who esteemed the life of an Englishman of more consequence than a cherry tree; that he preferred the personal liberty of his countrymen to the paltry consideration of a Partridge's blood, though spilt in the night; and would rather have a thousand Hares fall victims in the evening to the unhallowed hands of poachers, than that the sacred person

of an Englishman should be branded with the infamous stigma of public whipping.

Such behaviour would prove you worthy of the sacred trust you have aspired to, confirm the generous sentiments of your constituents in your favour, and prove to the present and future ages, that the name of GLYNN is coequal and synonymous with guardian, assertor, and protector, of the lives, liberties, and properties of Englishmen.

I have the satisfaction to be

One of Your Constituents,

and most obedient

humble servant,

A MIDDLESEX FREEHOLDER.

A
DIALOGUE
BETWEEN
A COUNTRY GENTLEMAN
AND
A LAWYER,
RELATIVE TO THE
GAME LAWS.

Countryman. MY dear friend, when I last met you in the country, you promised to give me a little history of the Game Laws, and to furnish me with such hints as you said would be necessary for me to observe in reading them.

Lawyer. I did, nor have I been unmindful of my promise.—I have taken some pains to collect materials for your instruction and entertainment, and hope, before a few days are passed, I shall be able to give you all the satisfaction you may require. I have conversed a good deal with my friends upon this subject :--Some have told me,

me, they were originally made with a view of taking the arms out of the hands of the common people, or at least with a design of rendering them inexpert in the use of them ; but others have attributed their rise to a desire which the Legislature had of promoting industry and of punishing idleness and vice.—This last opinion I am inclined to favour, as it seems the most rational and most deserving of credit ; for in all my searches I have not been able to find a single preamble that can warrant the first conclusion : whereas, the punishment of dissolute, disorderly, and idle persons, appears manifestly to have been the object of many Statutes.

Countryman. Pray what are the qualifications for killing Hares, Pheasants and Partridges ? for I don't wish to trouble you on any other branches of the Game Laws, but what relate to these particular animals.

Lawyer. The qualifications have been different at different times, but they are now fixt by the Statute of the 22^d and 23^d Car. 2^d, so that any person having in his own, or in right of his wife, a freehold estate of 100 *l.* *per annum*, or 150 *l.* leasehold,

hold, may kill, or keep animals or engines for the destruction of the game.—These are qualifications by estate.

Countryman. Are there no other qualifications?

Lawyer. Yes.—Any person being a Lord of a manor, the son and heir apparent of an Esquire or other person of higher degree, and the owners and keepers of forests, parks, chaces, or warrens, and game keepers appointed by Lords of manors, may kill, or keep engines or animals for the destruction of the game with impunity.

Countryman. As you have favoured me with an account of the qualifications, do oblige me, likewise, with an account of the penalties which may be inflicted upon such as are not possessed of those qualifications.

Lawyer. Any unqualified person who kills a Hare, Partridge, or Pheasant, or uses any greyhound, setter, or pointer, or any gun, net, or other engine, to kill or destroy the game, is liable to forfeit 5*l.* and by the Statute of Queen Ann, the penalty was recoverable only by information before a Justice of Peace upon the oath of one or more witnesses,—one moiety to be paid to the

the informer, and the other to the poor of the parish where the offence was committed; —this penalty was directed to be levied by distress, and for want thereof, the party to be sent to the house of correction for three months for the first offence, and four months for every other —But, in process of time, such a number of inconveniencies and difficulties arose to obstruct the enforcing of this Act, that in George the 1st's reign, it was found necessary to enlarge the powers of prosecutors; and therefore an Act was passed, enabling them to recover the penalty by action upon the case, debt, bill, plaint, or information; and the plaintiff, if he recovers, is intitled to double costs*.

* I should be glad to be informed by what rule or authority the masters, prothonotaries, and other officers who tax costs, when an Act of Parliament gives, in express terms, double or treble costs, allow, where the single costs amount to 100 *l.* only 150 *l.* for double, or 175 *l.* for treble costs.—If by any rule in arithmetic they can make it appear, that 150 *l.* is twice, and 175 *l.* three times as much as 100 *l.* I will readily subscribe to their rules of construction; but to say that the Legislature meant only to give full and ample costs, when they have expressly given double

or

Countryman. Pray, where is the difference in the modes of prosecution ?

Lawyer. The former is a very speedy method of proceeding, of a summary nature, whereby the Justice convenes the delinquent before him, and proceeds to immediate trial, conviction, or acquittal; whereas, by the latter you are obliged to go thro' a regular, legal proceeding, which, though in some respects more eligible, is attended with so great an expence, that few people can bear it; and upon this consideration I presume prosecutors in general adopt this mode

or treble costs, is putting a construction upon a Statute in direct contradiction to its express meaning, which I conceive no officer hath any power to do.—I apprehend the additional costs are given as a penalty.—Besides, when the Legislature mean to give only full costs, the statute expressly mentions it; so that where the law directs the payment of full costs, it then leaves it at the discretion of the officer, but where it hath fixed them at double or treble, he has no right to exercise a discretionary power, but tacitly to obey the positive mandates of the Law.—I hope the masters will excuse this observation, as I propose it merely for information's sake; for no person in the Law entertains a greater respect, or thinks more highly of their candid and upright behaviour than myself.

mode of proceeding.—Besides, Sir, there are less difficulties in penning the proceedings by action * or information, than in wording a conviction before a Justice, very few of which are able to stand the test when removed into the King's Bench.

Countryman. You surprize me much. Pray what is the consequence of a conviction being quashed?

Lawyer.

* In all cases where any action is commenced for the recovery of any of the penalties under the Game Laws, as the prosecutor may make use of any name, whether fictitious or real, it will be prudent for the defendant, if he means to stand trial, to move the court, if in Term-time, or to apply to a Judge for a summons, to shew cause why the plaintiff should not give security for the costs, in case he should be nonsuited, or discontinue the action, and that all proceedings may be stayed in the mean time. This application should regularly be made before the defendant hath pleaded, or at the utmost before the issue is delivered, else it will answer little or no end; it being a common practice amongst dirty fellows to commence actions upon Penal Statutes in fictitious names, and when they have got the issue money, to proceed no further. If the defendant's Attorney is apprehensive the action was commenced upon this principle, he had much better never pay for the declaration. He is not obliged to do it, nor can the plaintiff sign judgment for want thereof, as in the case of an issue.

Lawyer. The party convicted may either bring an action against the prosecutor for the penalty he paid him; or, in case he obliged the Justice to make a distress, may proceed against the Justice for a trespass, and recover a satisfaction equivalent to the value of the goods; for if the conviction appears upon removal to be improper upon the face of it, and insufficient to warrant the conclusions drawn by the Justice, the Court is bound to quash it; and for this reason the ultimate power of judging is vested in the Court of King's Bench, lest Justices (who by the bye are pretty great tyrants) should in consequence of an absolute power vested in them, arbitrarily exercise it to the prejudice of their neighbours.

Countryman. Is there any difference in the proceeding against the prosecutor and the Justice after quashing the conviction?

Lawyer. Yes! a very material one.—In commencing an action against the prosecutor, you have only to pursue the common rules made use of in ordinary cases; whereas, if you prosecute the Justice, you must give him a month's notice before you

can proceed, and take care to bring your action within six months or you will lose your remedy; and this is not the only difficulty, for you must prove the notice at the trial, and will not be suffered to recover a satisfaction for any injury but what is mentioned in that notice.—It behoves you therefore to take special care how you word your notice, for the Court will not permit you to bring proof of distraining and selling any thing but what is particularly specified therein. This strictness arises in consequence of an Act of Parliament, passed in King George the second's time, for the better securing Justices of the Peace in the execution of their offices; and it appears to be founded in great wisdom and justice, in as much as persons heated with passion and resentment would frequently be induced to commence a prosecution against a Justice, who might have acted very innocently and with great uprightness, though the conviction he drew up eventually turned out informal and irregular.

Countryman. I really think that a Justice ought to be rendered as safe as possible in the execution of his office, as few gentlemen

men otherwise would ever take it upon them. It is sufficient that they devote their time to the good of the public, the business of itself is troublesome enough without increasing the difficulties. For my own part, I do not know a more valuable member of the community than an honest conscientious Justice of the peace — But, pray, what is the cause of quashing these convictions? I am very desirous of knowing.

Lawyer. Suppose an information had been laid before a Justice of the Peace, upon the Statute of Queen Anne, against *A*, for killing a Partridge in the parish of Stow, and the witness produced and examined before the Justice in support of the charge was a parishioner of Stow, one half of the penalty being directed to be paid to the informer, and the other to the poor of the parish; though the Justice should convict the defendant, yet, it appearing that *the witness* was a *parishioner* of Stow, this *would be a good cause for quashing the conviction**, because the witness was incompetent, inasmuch as he was interested in the event of the suit.

* *Vide* page 24.—The Act of the 13th G. 3. c. 80.

Countryman. Pray, has this always been held to be a sufficient cause?

Lawyer. Not always; there hath been a great variety of opinions about it.—Some have said, that the parishioners *ex necessitate* ought to be admitted as competent witnesses; That the advantage arising from a conviction would be too trifling a bias; whilst others have insisted, that the rule of law being positive, no one who hath any interest in the event of the suit ought to be admitted.—In short, this controversy was so very strong, and it being impossible to fix what degree of interest would or would not influence the mind, the Legislature interposed, and passed an Act in King George the third's reign, whereby the whole penalty is given to the informer, and every objection to the competency of a parishioner's evidence clearly removed.

Countryman. Pray, Sir, can qualified persons kill Game when they please?

Lawyer. There is no limited time for killing Hares; but by an Act, passed in the second year of King George the third, it is declared illegal to take, kill, destroy, carry, sell, buy, or have in possession, any Partridge,

tridge, between the 12th day of February, and the 1st day of September; and Pheasants between the 1st day of February, and the 1st day of October; and a penalty of 5*l.* is imposed upon all persons, qualified or unqualified, who shall be found offending against this Statute.—So that, as the law now stands, if any unqualified person should kill a Partridge, or a Pheasant, in the month of March, he would be liable to pay 5*l.* for the mere act of killing, and 5*l.* for killing it at that season of the year. Indeed, if a qualified or unqualified person was informed against for keeping live Partridges in a mew in the month of March, though he should prove the catching them at a lawful season of the year, yet there being no exception of Partridges mentioned in this Act, the party in whose possession they are found, must, I conceive, be adjudged guilty within the meaning of this law; for the bare act of possession is deemed by the law an exposing to sale, which subjects the party to a penalty of 5*l.*; but Pheasants being expressly excepted out of this Act, there is no danger of a qualified person
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incurring a penalty by keeping them alive, provided he does not catch them after the expiration of the time limited by this Act.

Countryman. But is there no particular time of the day fixed for killing Game ?

Lawyer. Yes ; By an Act, passed in the 13th year of the reign of King George the third, ch. 80. it is declared, That from and after the 24th day of June 1773, if any Person or Persons shall knowingly and wilfully kill, take, or destroy, any Hare, Pheasant, Partridge, Moor Game, or Heath Game, or use any gun, dog, snare, net, or other engine, with intent to kill, take, or destroy any Hare, Pheasant, Partridge, Moor Game, or Heath Game, *in the night, that is to say, between the hours of seven of the clock at night and six in the morning, from the 12th day of October to the 12th day of February; and between the hours of nine of the clock at night and four in the morning, from the 12th day of February to the 12th day of October ; every such Person being convicted thereof, upon the oath or oaths of one or more credible witness or witnesses, before one or more Justice or Justices of the*

the Peace acting for the County, Riding or Place where the Offence shall be committed, shall forfeit and pay, for the *first Offence*, any sum *not exceeding 20l. nor less than 10l.*; and for the *second Offence*, any sum *not exceeding 30l. nor less than 20l.*—But in case any information shall be made upon oath as aforesaid, before any Justice or Justices, against any Person offending against this Act; and if it shall appear, that such Offender hath already been convicted of a first and second Offence against this Act; then, and in such case, such Justice or Justices shall and may commit such Offender to the common gaol, or house of correction, for the County, Riding, or Place, there to remain till the next General Quarter Session of the Peace for the said County, Riding, or Place, unless such Offender shall have entered into a recognizance with two sufficient securities, to appear at such General Quarter Sessions, then and there to be tried by indictment for the said Offence; and also shall and may bind over the informer to prosecute the

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said

said Offender by indictment as aforesaid, and the Justices at their said General or Quarter Sessions shall and may direct the said indictment to be tried accordingly; *and if upon such indictment such Offender shall be convicted, he shall forfeit and pay in court the sum of 50 l.; and in case he shall neglect or refuse to pay the said sum of 50 l. he shall be committed to the common gaol, or house of correction for such County, Riding, or Place, for any term not less than six nor more than twelve calendar months, unless such penalty shall be sooner paid; and such Offender shall, if the Justices think proper, be once publickly whipped for such Offence, at the expiration of such commitment, in the Town or Place where such gaol or house of correction shall be, between the hours of twelve and one of the clock in the day.*—This Act particularly directs, that the penalties shall be recovered for the first and second Offence before a Magistrate, and one half thereof are given to the informer, the other to the poor of the parish where the Offence shall

be committed ; and in case of neglect or refusal to pay the same, or to give security for the payment thereof, the Justice is empowered by warrant under his hand and seal to levy the same by distress and sale of the Offender's goods and to detain the Offender in safe custody until return can be conveniently made to such warrant of distress, unless the party shall give sufficient security to the satisfaction of such Justice for his appearance before the said Justice, on such day as shall be appointed by the Justice for the return of the said warrant of distress, such day not exceeding seven days from the time of taking such security ; but if upon such return no sufficient distress can be had, then the Justice is empowered and ordered to commit such Offender to the county gaol, or house of correction of the County, Riding, or Place, for three calendar months, unless the forfeiture shall be sooner paid, or the Offender give notice to the informer, that he intends to appeal to the next General Quarter Sessions, when he is required to enter into a recognizance with two sufficient securities

to try such appeal, and to abide the order of, and pay such costs as shall be awarded by such Justices at such Quarter Sessions, and the Justices are impowered to give costs to either party as the case may eventually turn out, and the order of the Justices at the Quarter Sessions is declared to be final.—Besides the above penalties, the statute has inflicted the like additional ones upon all who shall either kill or use an engine to destroy any Hare, Pheasant, or Partridge upon a *Sunday* or * *Christmas-day*,

• *N. B.* Over and above the Statutes I have already mentioned, and which relate to the Public at large, “It is declared, by an *annual Act*, (intituled, An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters) for the better preservation of the Game in or near any such place where any officer or soldiers shall at any time be quartered, That from and after the 24th of March 1774, if any officer or soldier shall, without leave of the Lord of the manor, under his hand and seal first had and obtained, take, kill, or destroy any Hare, Coney, Pheasant, Partridge, Pigeon, &c. within the kingdom of Great Britain, and upon complaint thereof, shall be convicted before any Justice of the Peace; every officer so offending shall, for every such offence, forfeit 5*l.* to be distributed among the poor of the place where such offence shall be committed; and every

day, and the same rules are directed to be adopted for convicting the offenders as are above pointed out.

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every officer commanding in chief upon the place where such offence has been committed by any foldier under his command shall forfeit 20*s.* to be paid and distributed in manner aforesaid; and if upon conviction, made by the Justices of the Peace, and demand thereof also made by the Constable or Overseers of the poor, such officer shall refuse or neglect, and not within two days pay the said respective penalties, such officer so refusing or neglecting shall forfeit, and he is thereby declared to have forfeited his commission, and his commission is thereby declared to be null and void."—Though this Statute continues in force only for a year, yet, as it makes one man responsible for the acts of another, I confess it strikes me as being too rigid.—If a commander in chief encouraged his men to go out and kill Game, it would be but just that he should be punished for it; but, for a general or other officer to be made liable to answer for the faults and offences of another person, which he could not prevent, appears rather inconsistent with my notions of natural Justice. However, I will leave the military gentlemen to comment upon this Statute, as it affects them only. But, it will be necessary for all unqualified officers to remember, that if they shoot Hares, &c. on a Sunday, without the consent of the Lord of the manor, that for every offence they are liable to forfeit at least 20*l.* Five pounds for killing a Hare, five pounds for destroying it without the consent of the Lord of the manor, and ten pounds for killing it on a Sunday. But if he offends a third time, he may be subject to pay 60*l.*

It is curious to observe what a particular fatality attends the Game Laws.—The statute of Queen Anne was objected to, because a moiety of the penalty was given to the poor of the parish.—Convictions under it were constantly quashed, because they were founded merely upon the testimony of the parishioners.—To remedy this inconvenience, the forfeiture was taken from the poor, and given entirely to the informer, by an Act passed in his present Majesty's reign; and yet, notwithstanding such pains has been taken to remove the difficulties of enforcing former laws, we find them renewed in all their vigour in the present Act; and that power which was given to the superior courts, to examine and controul the proceedings of Justices, entirely taken away, for what reason God only knows: I am sure, there is no more cause now why their conduct as magistrates should not be inquired into, and their proceedings removed by *certiorari*, than there was in former days. They are not a bit better, more honest, or wiser than their forefathers, and therefore should not be
armed

armed with any extraordinary authority. The specimens of their behaviour produced in the King's Bench are the strongest and most persuasive arguments that can possibly be offered for diminishing rather than augmenting the power of Justices. It is not long ago, that one Justice took it into his head to punish a man because he did not entertain the same political principles with himself;—and another convicted a man for killing Game, notwithstanding he had been before acquitted of the offence, and produced his acquittal.—It is true, these gentlemen were punished, and they richly deserved it; but they are still in the commission. There are a thousand instances of inferior magistrates committing acts of oppression with impunity, because the objects of their oppression are not wealthy enough to bring their conduct into open day-light.

Countryman. You have made me sick of Justices.

Lawyer. I have long been so myself.—
They have too much power.

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Countryman. I think they have.—But do resolve me a few doubts concerning these Game Laws.

Lawyer. With a great deal of pleasure.

Countryman. You must know, I have often heard it said, that if a Lord of the manor, his Game-keeper, or any other qualified person, started a Hare, or sprung a Partridge, he might follow it wherever he pleased.

Lawyer. That is in some measure but not altogether true. A Lord of a manor may kill Game in most places, whether on his own or another man's estate, without being liable to incur any penalties created by the Game Laws, provided he does it at a proper season. But a Game-keeper, being only qualified to kill Game within the manor he presides over, if he goes beyond the boundaries of it, he thereby subjects himself to all the penalties of the law, like any other unqualified person;—his qualification is not only merely local, but it has several requisites necessary to compleat and perfect it. He must be a menial Servant, (if an unqualified person) and his appointment must be created by deed, and that deed must be inrolled

inrolled with the Clerk of the Peace for the county; for a mere verbal appointment, or even an appointment under hand and seal, unless inrolled, will no wife avail him.

Countryman. Suppose a Lord of a Manor, or other qualified person, shoots a Partridge upon his own ground, and it happens to fall upon his neighbour's estate, can either of them go there and pick it up without the consent of the owner of the ground?

Lawyer. They may pick the bird up, though upon another's ground, without incurring any penalty under the Statutes; their qualifications exempt them from that. But yet, they are liable to an action of trespass for coming upon another's ground without his consent; such a proceeding is considered, in the eye of the law, as an invasion of another man's right, for which he may maintain an action of trespass. Nay, the law is so tender of private property, and the rights of individuals, that if A, being a qualified person, and having a road through the estate of B, should kill a Pheasant as he walked

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along the road, and it should fall within seven yards of the path, he could not justify going out of it, without subjecting himself to an action for so doing.

Countryman. Under such circumstances, I should apprehend a person would recover but very little or no damages. The trespass is too inconsiderable.

Lawyer. Though the trespass is never so trifling, the party trespassed upon has a right of action.—The measure of damages is one thing, the power of redress is another—the former is in the breast of a jury, the latter inherent in the party.—The right of an Englishman must not be violated with impunity; but, in order to prevent trivial suits, it is enacted, by the 22d and 23d Car. 2. chap. 9. “That in all actions of trespass, assault and battery, and other personal actions, wherein the Judge at the trial shall not find and certify under his hand upon the back of the record, that an assault and battery was sufficiently proved, or that the freehold or title of the land mentioned in the plaintiff’s declaration was chiefly in question; if the Jury find damages under forty shillings, the
plaintiff

plaintiff shall not recover more costs than the damage, and if more costs given, the judgment shall be void, and the defendant may have his action for such vexatious suits."—Though this Statute prevented many litigations, yet, as it extended only to trespasses where the plaintiff recovered forty shillings and upwards for the injury done, or where the title came in question, the effect did not prove equal to the design. — Sportsmen sheltered themselves under this law, became wilful trespassers, and roved with impunity over their neighbours property; whilst the honest freeholders, from the expence of law, and the hazard of proving damages to the amount of forty shillings, were deterred from commencing prosecutions. — In process of time, however, gentlemen saw the difficulties this law exposed the farmers to; and though they were unable to prove damages to the amount of forty shillings, yet, as these small trespasses began to grow very numerous, and were very wilfully repeated, it became a real grievance to the landholder, insomuch that the Legislature interposed, and for

along the road, and it should fall within seven yards of the path, he could not justify going out of it, without subjecting himself to an action for so doing.

Countryman. Under such circumstances, I should apprehend a person would recover but very little or no damages. The trespass is too inconsiderable.

Lawyer. Though the trespass is never so trifling, the party trespassed upon has a right of action.—The measure of damages is one thing, the power of redress is another—the former is in the breast of a jury, the latter inherent in the party.—The right of an Englishman must not be violated with impunity; but, in order to prevent trivial suits, it is enacted, by the 22d and 23d Car. 2. chap. 9. “That in all actions of trespass, assault and battery, and other personal actions, wherein the Judge at the trial shall not find and certify under his hand upon the back of the record, that an assault and battery was sufficiently proved, or that the freehold or title of the land mentioned in the plaintiff’s declaration was chiefly in question; if the Jury find damages under forty shillings, the
plaintiff

plaintiff shall not recover more costs than the damage, and if more costs given, the judgment shall be void, and the defendant may have his action for such vexatious suits."—Though this Statute prevented many litigations, yet, as it extended only to trespasses where the plaintiff recovered forty shillings and upwards for the injury done, or where the title came in question, the effect did not prove equal to the design. — Sportsmen sheltered themselves under this law, became wilful trespassers, and roved with impunity over their neighbours property; whilst the honest freeholders, from the expence of law, and the hazard of proving damages to the amount of forty shillings, were deterred from commencing prosecutions. — In process of time, however, gentlemen saw the difficulties this law exposed the farmers to; and though they were unable to prove damages to the amount of forty shillings, yet, as these small trespasses began to grow very numerous, and were very wilfully repeated, it became a real grievance to the landholder, insomuch that the Legislature interposed, and for

preventing wilful and malicious trespasses, passed an Act in the 8th and 9th of W. 3. and thereby declared, " That in all actions of trespass, to be commenced and prosecuted from and after the 25th day of March, 1697, in any of his Majesty's Courts of Record at Westminster, wherein, at the trial of the cause at Westminster, it shall appear and be certified by the Judge, under his hand at the back of the record, That the trespass upon which any defendant shall be found guilty, was wilful and malicious, the plaintiff shall recover not only his damages, but his full costs of suit, any former law to the contrary notwithstanding." This Statute greatly lessened the number of wilful trespassers, and secured the laborious freeholder in the quiet possession and enjoyment of his property, or at least gave him an opportunity of punishing those who should dare to disturb his repose. However, my friend, there are some steps necessary to be taken previous to the commencement of an action for a wilful trespass, which, if omitted, will prove fatal. The plaintiff must give notice to

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the defendant to keep off his lands ; and I would advise him to give a notice in writing, as he must prove it at the trial of the cause ; or otherwise, without he recovers damages to the amount of forty shillings and upwards, he will be entitled to no more costs than damages.—The proof of a general notice in the news papers, unless the plaintiff can make it appear that the defendant knew and read it, would not be sufficient.—But above all, the plaintiff must remember, that as well in cases where the freehold came in question, as where there has been evidence of a wilful trespass, he must apply for the Judge's certificate in court, or otherwise he will lose his costs.

Besides the Statutes before-mentioned, which relate to trespasses where the plaintiff recovers forty shillings damages, or where the Judge has certified that the freehold came in question, or the trespass was wilful and malicious ; there is another Statute very necessary to be observed by tradesmen, which was passed in the 4th & 5th of W. and M. c. 23. §. 10. and after reciting, " That great
" mischief

“ mischief did ensue by inferior tradesmen,
 “ apprentices, and other dissolute persons,
 “ neglecting their trades and employ-
 “ ments, who follow hunting, fishing,
 “ and other Game, to the ruin of them-
 “ selves and damages of their neigh-
 “ bours,” enacts, “ That if any such per-
 “ son as aforesaid shall presume to hunt,
 “ hawk, fish, or fowl (unless in company
 “ with the master of such apprentice duly
 “ qualified by law) such person or per-
 “ sons shall be subject to the penalties of
 “ this Act, and shall or may be prose-
 “ cuted for their wilful trespass, in such
 “ their coming on any person’s land, and
 “ if found guilty thereof, the plaintiff
 “ shall not only recover his damages
 “ thereby sustained, but his full costs of
 “ suit, any former law to the contrary
 “ notwithstanding.”

Great difficulties have arisen in the con-
 struction of this Act of Parliament, and
 Courts of law have been at a loss to deter-
 mine who are the inferior tradesmen
 meant by it. Some persons have sayd it
 comprehends all tradesmen; others are
 of opinion, that such tradesmen only are
 included

included as are not qualified to kill Game; and some very respectable authorities (amongst whom that great lawyer, the late Chief Justice Willes) not only refused to subscribe to either of the opinions above-mentioned, but absolutely declared it was unnecessary to draw any line at all, between inferior and superior tradesmen, but declared that every case ought to be left to be determined upon its own particular circumstances.

The first case that appears to have come before the Court upon the construction of this Act, is that of *Bennett vers. Talbois*, which is mentioned in all the cotemporary Reporters of Lord Holt's time; it happened within a very few years after the creation of this new law, and at a time when the Judges may be presumed to have known the true spirit and intention of it. This was an action of trespass for breaking and entering the plaintiff's close, and treading down his grass and corn, and hunting therein, the defendant being an inferior tradesman, (*viz.* a clothier.) Upon not guilty, a verdict was found for the plaintiff; and it was moved
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in arrest of judgment,—That it was not sayd, that the defendant was not qualified by estate to hunt without incurring the penalty of the Act, for if he had been, he might hunt by law. But it was resolved by the Court, that hunting was a trespass upon another's land at common law, and actionable.—That the Statute of the 4 and 5 W. and M. as to this point of inferior tradesmen, only repeals the Statute of the 22 and 23 Car. 2. chap. 9. which enacts, “That the party shall recover no more costs than damages, when the Jury give damages under forty shillings :” But no Act enables the party to hunt in another's ground, and therefore it is not material how the person is qualified, in the case of an inferior tradesman, as to his estate. 1 Lord Raym. 149.

In Sir John Comyns's report of the same case, I find that it was objected, That a clothier, being one of the principal tradesmen of the kingdom, could not be comprehended within the words, “*inferior tradesmen* ;” but the Court overruled it, by saying, that the Statute *seemed* to prohibit all trades ; and thereupon
costs

costs were awarded against the defendant, as an inferior tradesman within the meaning of this Statute; so that as the law now stands, upon the authority of that determination, it behoves a clothier more than any other tradesman, to be very circumspect in his conduct, and to take especial care that he does not go a hunting upon another's estate without his consent, as it is not necessary to give him notice to make him a wilful trespasser, in order to intitle the plaintiff to his costs; his being a clothier, and as such an inferior tradesman, will subject him to costs at all events, whether qualified or not qualified.

A great many years after this determination, the case of Buxton and Mingay came before the Court of Common Pleas; and there the question was, whether a surgeon and apothecary, not qualified to kill Game, was an inferior tradesman, within the meaning of this Statute? This matter came before the Court upon a case reserved at the assizes; and as the Court was divided, the Judges delivered their opinion separately. Mr. Justice Noel de-
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clared,

clared, he thought it hard to say, that every tradesman in the kingdom, who had not a qualification in lands, should pay full costs in a case like this; nor would he say, that the defendant, because he was merely stated to be an apothecary, was therefore an inferior tradesman or dissolute person. He sayd, that qualification was not the true distinction between superior and inferior, but that there was a known distinction universally agreed to between tradesmen, with respect to superior and inferior; as master, and journeyman, and apprentice; that that was a natural subordination, which answered the Act of Parliament in every respect, for journeymen and apprentices were plainly inferior, and within the mischief intended to be remedied. He declared, that the Jury ought to determine under the particular circumstances of every case, whether the defendant was an inferior tradesman, or dissolute person; and upon the whole was of opinion, that a surgeon and apothecary was not an inferior tradesman or dissolute person, within the meaning of the Act.

Mr.

Mr. Justice Bathurst and Mr. Justice Clive, were of a contrary opinion; and in delivering it, said, That it was a question of law, and not of fact, whether the defendant was an inferior tradesman, and that the Judges ought to determine who are inferior tradesmen or dissolute persons, within this law. That in order to find out the true construction of the Statute, it would be necessary to take into consideration the intent of the makers, which was plainly to secure the Game from being destroyed by persons neglecting their lawful employments, as appears by the preamble. They admitted that there might be an inferior and superior between master, and journeyman and apprentice; but declared it as their opinion, that every tradesman who was not qualified was inferior, and that this was the only line they could possibly draw between inferior and superior.

Lord Chief Justice Willes concurred in opinion with Mr. Justice Noel, and at the same time observed, That if he had tried the cause, he should have told the Jury his opinion upon hearing the evi-

dence and circumstances of the defendant, and have left it to the Jury to determine, whether the defendant, as a surgeon and apothecary, was an inferior tradesman or dissolute person, or neglected his trade.

These are the only cases hitherto reported, that I can find any wise relative to this matter; but as every man in this country will think for himself, I mean to trouble you with a few observations upon this subject, which you may make use of or reject as you please. At the same time, I would have you remember, that as I design to speak with freedom, I shall endeavour to preserve the utmost decency in delivering my sentiments.

I confess it strikes me as necessary, to have recourse to the Common Law, and to compare it with the several Statutes which have been made from time to time, as well for the preservation of the Game, as to restrain or enlarge the punishment of trespassers; for without such a comparison, I presume it will be impossible to form any determinate opinion upon this matter; and therefore I think it will be proper to observe, that at

Common Law, no man could kill Game without a grant from the crown, and whoever presumed to destroy them without it, not only exposed himself to the severities of the Forest Laws, but likewise subjected himself to punishment as a trespasser ; and even those who had received the power of killing Game by the grant of a free warren, were obliged to exercise that privilege within a particular district, and could not exceed the boundaries of it, without being liable to answer for it as trespassers. But as the rigour of the Forest Laws began to wear off, or were corrected, the preservation of the Game became more immediately the object of legislative attention, and for that purpose many laws were created, inflicting pecuniary as well as corporal punishments upon such as presumed to kill them, without being possessed of the estates particularly described by these Statutes. The estates have been encreased in proportion to the number of Statutes; and though in Richard the second's time, 40s. a year was an estate sufficient to exclude a person from the severities of the Game Acts then
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in being, yet we find in Charles the second's time they were increased to 100 *l.* a year freehold, or 150 *l.* leasehold estate. Here the line is drawn, and it continues fixed to this day; and though it is a common received opinion, that those who are possessed of estates of the yearly value mentioned by the Statute of King Charles the second, have a power to kill Game, yet they are mistaken; for as Dr. Blackston observes, it is not properly a qualification, but an exemption from the several penalties created by Act of Parliament; for however free they may be from the penalties created by Statute Law, they are still subject to be punished as trespassers at Common Law, though they do not a penny damage to the landholder. The farmer, conscious of the power the Common Law armed him with, of punishing such as came upon his property, was too frequently induced to prosecute sportsmen for two-penny trespasses, which was productive of a great deal of ill blood, brought on jealousies amongst neighbours, and answered no other purposes but those of strife and contention.

tention. These numerous prosecutions convinced government of the necessity of making some alteration in the Common Law, and gave rise to the Statute of the 22d and 23d Car. 2d, for preventing trivial suits, which as it extended only to trespasses where the freehold came in question, or where the plaintiff recovered 40 s. damages and upwards, and gave plaintiffs no more costs than damages who did not come within its meaning, loaded the farmers with as great hardships as sportsmen in general had before been exposed to, by being responsible for every inconsiderable trespass they might occasionally be guilty of, in prosecuting their rural amusements. To ease this heavy burthen, thus placed upon the peasants shoulders, and at the same time to preserve the Game, was more than probably the intention of the Legislature in passing the Statute of the 4th and 5th of William and Mary; which not only increased the penalties upon such as killed Game, but at the same time greatly softened the rigour of the Statute of Charles the second, by partially repealing that law,
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and restoring and re establishing the farmer in the enjoyment of those rights which the Common Law had annexed to his property, and rendering him once more capable of punishing inferior tradesmen, apprentices, and other dissolute persons, who neglected their trades and employments by following hunting, fishing, and other Game, to the ruin of themselves and damage of their neighbours. But it is impossible to imagine that this Statute meant to exclude all tradesmen from hunting, unless you put a construction upon it repugnant to its express meaning; nor can I easily prevail upon myself to think it was ever the intention of the Legislature, to subject every unqualified tradesman to costs in a twelve-penny trespass, as it would in a great measure revive all those trivial suits and litigations, which the Statute of King Charles the second was avowedly made to prevent. If it had meant to exclude all tradesmen, why call them inferior tradesmen? why not describe them as unqualified tradesmen? The first is at best but an ambiguous expression; the last, clear, explicit,

explicit, and beyond the reach of quibble. It will be too much for any one to say, that the Legislature was tempted to substitute the word inferior in the room of unqualified, for fear of offending such capital tradesmen as might then be in the House. There is no clause or expression in the whole Statute that can warrant this conclusion; besides, it has expressly declared, that the objects of it were those inferior tradesmen, apprentices, and other dissolute persons, who neglected their trades and employments, and followed hunting, &c. to the ruin of themselves, and damage of their neighbours; and moreover, I do humbly conceive, that in the construction of every law, it is absolutely necessary to take the whole into consideration, in order to find out its true spirit and intention; for if that rule of construction does not prevail, there are very few people but may be included within the words of this Statute, thus partially considered. A barrister, by hunting in Michaelmas Term, when he should be attending at Westminster, may be called a dissolute person neglecting his

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employment; a merchant of the city of London, of 50,000*l.* property, may be denominated an inferior tradesman, neglecting his trade; though I believe no man who has ever read the Statute, will say that such merchant or barrister could have been the inferior tradesmen or dissolute persons meant by the Statute.—Besides, Sir, when you consider this clause more particularly, and couple it with the preceding part of the Act, you will find that the general spirit and intention of it was, “as well to preserve the Game from being destroyed by idle persons, who afterwards betook themselves to robberies, burglaries, or other like offences, and neglected their lawful employments; as for the punishment of inferior tradesmen, apprentices, and other dissolute persons, who neglected their trades, and employments, and followed hunting, &c. to the ruin of themselves and damage of their neighbours.”—— Now, surely, tradesmen of large fortunes and property, though they do not consist in freehold or leasehold estates, can never be said to come within the letter or spirit of
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of this law! Indeed, I should think it would be much more rational to conclude, that the Legislature meant to deprive those tradesmen and others from pursuing their amusements, whose circumstances and situation of life would admit of no loss of time, and whose necessities called upon them to devote every moment of it to the service of themselves and families; and who by hunting, &c. instead of attending to their lawful trades and employments, must bring themselves and families upon the parish, or betake themselves to those wicked means for procuring subsistence, which the Statute expressly alludes to.—These hints (for I have not time to enter more largely upon the subject) if duly attended to, will prove of great service to you, who spend so much of your time in rural amusements.

Countryman. I am greatly obliged to you, and will read them with attention; for whilst these laws continue in force it will be impossible for country people to live in peace without knowing them.—But when I consider that whatever design the Legislature might originally have in

making them, whether with a view of taking the arms out of the hands of the common people, or from a desire of punishing idleness and vice; yet, as they have ceased to answer the virtuous ends of their creation, they ought at least to be corrected, if not abolished. For it is too well known, to need any proof, that there are few gentlemen in the country, whether of the quorum or not, but will readily purchase Hares, Partridges or Pheasants, of those poachers, for whose punishment these laws were instituted.—But this is not all; these insignificant animals have produced irreconcilable breaches in private families, and have done more mischief than all the poachers in England.—Yet am I no friend to poachers, and far be it from me to promote idleness; I love to see and encourage virtuous industry; but when I behold laws which are sayd to be formed for the punishment of laziness, applied as instruments of oppression, I confess I long to have them repealed, or put upon a better footing; for in a well regulated and free government, no law ought to exist, however
 2 well

well founded, that may be applied to gratify private pique or resentment; and I believe the gentlemen of the law will readily agree, that fifty prosecutions are commenced upon tyrannical and revengeful principles, to one founded upon the honourable motive of serving the publick.

The Reader will be pleased to observe the following Rules in reading the TABLES.

I. If an information is laid for killing Game, upon the Statute of Queen Anne, it is a *qui tam*, and only recoverable before a Justice of the Peace.

II. Where a prosecutor sues by action upon the case, debt, bill, plaint, or information, there he will be intitled to double costs, under the Statute of George the first, which Act does not extend to Informations before a Justice.

Note, The word *information* means an information in the Crown Office.

The TABLE

The TABLE of the LAWS relative to HARES:

Shewing the several OFFENCES; the ACTS creating the PENALTIES; the PERSONS to whom such PENALTIES are given; the MANNER of recovering them; the COSTS a Plaintiff is intitled to; the TIME when the Information or Action ought to be brought; and lastly, the several PENALTIES a Person may be liable to by one Act.

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N. B. For the Information of Gentlemen not conversant in legal expressions, it will be necessary to observe, that where *Qazi tam* is mentioned, the Penalty is given half to the Informer and the other half to the Poor of the Parish; and when the *Qazi tam* is taken away, the whole Penalty is given to the Informer.

The T A B L E of the L A W S relative to H A R E S :

Shewing the several OFFENCES; the ACTS creating the PENALTIES; the PERSONS to whom such PENALTIES are given; the MANNER of recovering them; the COSTS a Plaintiff is intitled to; the TIME when the Information or Action ought to be brought; and lastly, the several PENALTIES a Person may be liable to by one Act.

A. HARES. <i>Single Offences.</i>	Qualified Persons.	Unqualified Persons.	Unqualified Officers.	Qualified Persons.	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	Unqualified Persons.	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	B. <i>Acts.</i>	C. <i>To whom the Penal- ties are given.</i>	D. <i>The Manner of Re- covering them.</i>	E. <i>Costs.</i>	F. <i>Limita- tion.</i>
For killing in the Night.	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	9 Ann. ch. 25. sect. 3. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3. ch. 19.	To be brought within 6 Months.
For killing on Sunday or Christmas-day.	Not more than 20 <i>s</i> , nor less than 10 <i>s</i> .				D ^o .		D ^o .					D ^o .		D ^o .			13 G. 3. ch. 80.	<i>Qui tam.</i>	By Information before a Justice.	All Costs and Charges.	One Calendar Month.
For using Grey-hounds to kill.	0	5	5														5 Ann. ch. 14. sect. 4. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3.	To be brought within 6 Months.
For keeping Grey-hounds, Nets or other Engine, to kill or destroy.	0	5	5														5 Ann. ch. 14. sect. 4. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3.	To be brought within 6 Months.
For exposing to Sale.	0	5	5														9 Ann. ch. 25. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3.	To be brought within 6 Months.
For selling.	5	5	5														28 G. 2. ch. 12. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3.	To be brought within 6 Months.
For killing without Lord of the Manor's Consent.	0	0	5														10 G. 3. ch. 10. Title Mutiny and De- fection.	<i>Qui tam.</i>	By Information before a Justice.	No Costs,	No Time by the Statute.
For tracing in the Snow, or shooting with a Gun or long Bow.	Imprisonment or Fine.	D ^o .	D ^o .														1 Ja. ch. 27. sect. 2.		By Information before a Justice.	No Costs	One Year by 31 Eliz. ch. 5.
For using Snares.	Imprisonment or Fine.	D ^o .	D ^o .														1 Ja. ch. 27. sect. 2. 22 & 23 Car. 2. ch. 25. sect. 6.		By Information before a Justice.	No Costs	One Year by 31 Eliz. ch. 5.
For using an Engine to kill or destroy.	0	5	5														5 Ann. ch. 14. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs by 2 G. 3. ch. 19.	Within 6 Months.
For killing in the Night, between the Hours of seven at Night and six in the Morning, from 12th of October to the 12th of February.	1 Offence, Not more than 20 <i>s</i> , nor less than 10 <i>s</i> . 2 Offences, Not more than 30 <i>s</i> , nor less than 20 <i>s</i> . 3 Offence, 50 <i>s</i> .			D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	13 G. 3. ch. 80.	<i>Qui tam.</i>	By Information before a Justice.	All Costs and Charges.	One Calendar Month.
For killing in the Night, between the Hours of 9 at Night and 4 in the Morning, from the 12th of February to the 12th of October.	1 Offence, Not more than 20 <i>s</i> , nor less than 10 <i>s</i> . 2 Offence, Not more than 30 <i>s</i> , nor less than 20 <i>s</i> . 3 Offence, 50 <i>s</i> .																13 G. 3. c. 80.	<i>Qui tam.</i>	By Information before a Justice.	All Costs and Charges.	One Calendar Month.

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Double Offences.

For killing in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging in the Night between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging or taking in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging or taking in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For using Grey-hounds, Guns, &c. to kill or defray, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For using Grey-hounds, Guns, &c. to kill or defray on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, without Content of the Lord of the Manor, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For killing in the Night, on a Sunday, without Content of Lord of the Manor, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging or taking in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For flogging or taking in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For using a Grey-hound or Engine to kill or defray in the Night, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For using a Grey-hound or Engine to kill or defray in the Night, on a Sunday, between 7 at Night and 6 in the Morning, from 12th October to 12th February.

For using a Grey-hound or Engine to kill or defray in the Night, without the Lord of the Manor's Consent, between 7 at Night and 6 in the Morning, from 12th Oct. to 12th Feb.

For using a Grey-hound or Engine to kill or defray in the Night, on a Sunday, without the Lord of the Manor's Consent, between 7 at Night and 6 in the Morning, from 12th Oct. to 12th Feb.

- A. *The single Offences.*
- B. *The several Acts of Parliament creating the Penalties.*
- C. *Denoting to whom the Penalties are given.*
- D. *The several Methods of recovering the several Penalties.*
- E. *The Costs.*
- F. *The Limitation of Action.*
- G. *The several Penalties an Offender is liable to by a single Act.*

N. B. For the Information of Gentlemen not conversant in legal expressions, it will be necessary to observe, that where *Quintum* is mentioned, the Penalty is given half to the Informer and the other half to the Poor of the Parish; and when the *Qui tam* is taken away, the whole Penalty is given to the Informer.

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Shewing the several OFFENCES; the ACTS creating the PENALTIES; the PERSONS to whom such PENALTIES are given; the MANNER of recovering them; the COSTS a Plaintiff is intitled to; the TIME when the Information or Action ought to be brought; and lastly, the several PENALTIES a Person may be liable to by one Act.

A.	Qualified Persons.	Unqualified Persons.	Unqualified Officers.	Qualified Persons.	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	Unqualified Persons.	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	Unqualified Officers.	D ^o .	D ^o .	D ^o .	D ^o .	D ^o .	B.	C.	D.	E.	F.	
PHEASANTS. Single Offences.																						<i>Ads.</i>	<i>To whom the Penalties are given.</i>	<i>The Manner of Recovering them.</i>	<i>Costs.</i>	<i>Limitation.</i>	
For killing in the Night.	4. 5	4. 5	4. 5	5	5					5	5					5	5					9 Ann. ch. 25. sect. 3. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	To be brought within 6 Months.	
For killing, &c. between 1 Febr. and 1 Octob.	5	5	5			5				5							5					2 G. 3. ch. 19.	To the Informer.	By Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Six Calendar Months.	
For killing without the Consent of the Lord of the Manor.	0	0	5																			10 G. 3. ch. 10. Title Mutiny and Desertion Act.	<i>Qui tam.</i>	By Information before a Justice.	No Costs.	No Time by the Statute.	
For killing, &c. on a Sunday or Christmas-day.	Not more than 20 l. nor less than 10 l.				D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .	D ^o .		By Information before a Justice.	All Costs and Charges.	No Time by the Statute.	
For using a Lurcher or Setting-Dog.	0	5	5																			5 Ann. ch. 14. sect. 4. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Within 6 Months.	
For keeping Setting-Dogs, Tunnels, or other Engines to kill or destroy.	0	5	5																			5 Ann. ch. 14. sect. 4. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Within 6 Months.	
For exposing to Sale.	0	5	5																			9 Ann. ch. 25. <i>Qui tam.</i>	<i>Qui tam</i> taken off by 2 G. 3. ch. 19.	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Within 6 Months.	
For selling.	5	5	5																			28 G. 2. ch. 12. <i>Qui tam.</i>	D ^o .	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Within 6 Months.	
For using a Gun, &c. to kill or destroy.	0	5	5																			5 Ann. ch. 14. <i>Qui tam.</i>	D ^o .	By Information before a Justice of the Peace, or by Action of Debt, Bill, Plaint, or Information.	Double Costs, by 2 G. 3. ch. 19.	Within 6 Months.	
For killing in the Night, between the Hours of seven at Night and six in the Morning, from the 12th of October to the 12th of February.	1 Offence. Not more than 20 l. nor less than 10 l. 2 Offence. Not more than 30 l. nor less than 20 l. 3 Offence. 50 l.				D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .		D ^o .	D ^o .	D ^o .		<i>Qui tam.</i>	By Information before a Justice.	All Costs and Charges.	One Calendar Month.
For killing in the Night, between the Hours of 9 at Night and 4 in the Morning, from the 12th of February to the 12th of October.	1 Offence. Not more than 20 l. nor less than 10 l. 2 Offence. Not more than 30 l. nor less than 20 l. 3 Offence. 50 l.																					13 G. 3. ch. 80.	<i>Qui tam.</i>	By Information before a Justice.	All Costs and Charges.	One Calendar Month.	

G.
Double Offences.

[illegible]

A. The single Offences.

B. The several Acts of Parliament creating the Penalties.

C. Denoting to whom the Penalties are given.

D. The several Methods of recovering the several Penalties.

E. The Costs.

F. The Limitation of Action.

G. The several Penalties an Offender is liable to by a single Act.

N. B. For the Information of Gentlemen not conversant in legal expressions, it will be necessary to observe, that where *Quit tam* is mentioned, the Penalty is given half to the Informer and the other half to the Poor of the Parish; and when the *Quit tam* is taken away, the whole Penalty is given to the Informer.

Shewing the several OFFENCES; the ACTS creating the PENALTIES; the PERSONS to whom such PENALTIES are given; the MANNER of recovering them; the COSTS a Plaintiff is intitled to; the TIME when the Information or Action ought to be brought; and lastly, the several PENALTIES a Person may be liable to by one Act.

N. B. For the Information of Gentlemen not conversant in legal expressions, it will be necessary to observe, that where *Qui tam* is mentioned, the Penalty is given half to the Informer and the other half to the Poor of the Parish; and when the *Qui tam* is taken away, the whole Penalty is given to the Informer.